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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 ROBERT EARLE JOHNSON,

10 Plaintiff,

11 v.

12 CHRISTINE GREGOIRE, et al.,

13 Defendants.

CASE NO. C08-5428RJB

14 ROBERT EARLE JOHNSON,

15 Plaintiff,

16 v.

17 JAMES DYE,

18 Defendant.

CASE NO. C09-5487RBL

ORDER ON PLAINTIFF'S REPLY

19 This matter comes before the court on Plaintiff's Reply to Defendants' Response to  
20 Motion for Relief from Judgment. C08-5428RJB, Dkt. 80 and 81; C09-5487RBL, Dkt.16 and  
21 17. The court has reviewed the relevant documents and the remainder of the file herein.

22 On July 17, 2011, the court issued an order, denying plaintiff's motion under  
23 Fed.R.Civ.P. 60(b)(6) for relief from judgment. C08-5428RJB, Dkt. 79; C09-5487RBL, Dkt. 15.  
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1 On July 21, 2011, the court received a late-filed reply from plaintiff. C08-5428RJB, Dkt.  
2 80 and 81; C09-5487RBL 16 and 17. In the interest of fairness, the court has considered the  
3 reply.

4 Plaintiff contends that he has complied with the terms of the settlement agreement by  
5 programming the entire time he has been at Twin Rivers; that he has not received any major  
6 infractions while he has been at Twin Rivers; and that defendants have not asserted a legitimate  
7 penological interest that would justify transferring him to Coyote Ridge Corrections Center. As  
8 the court noted in its order denying plaintiff's motion to reopen these cases, plaintiff himself  
9 requested a transfer from Twin Rivers. Nothing in the settlement agreement in these cases  
10 required the Department of Corrections to transfer plaintiff to an institution he requested.

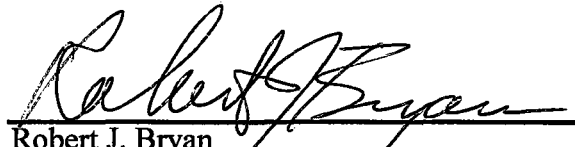
11 Plaintiff alleges discrimination and retaliation by individuals at Twin Rivers. Those  
12 claims are the subject of an action plaintiff filed in federal court, *Johnson v. Sager*, C11-  
13 1117RSM. These claims, however, do not justify reopening the instant cases on the basis that  
14 the Department of Corrections breached the settlement agreement.

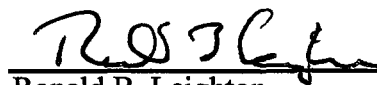
15 The court should affirm the July 17, 2011 order denying plaintiff's motion under  
16 Fed.R.Civ.P. 60(b)(6) for relief from judgment.

17 Accordingly, it is hereby **ORDERED** that the July 17, 2011 order denying plaintiff's  
18 motion under Fed.R.Civ.P. 60(b)(6) for relief from judgment (C08-5428RJB, Dkt. 79; C09-  
19 5487RBL, Dkt. 15) is **AFFIRMED**.

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
2 to any party appearing *pro se* at said party's last known address.

3 Dated this 1st day of August, 2011.  
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7 Robert J. Bryan  
United States District Judge  
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11 Ronald B. Leighton  
United States District Judge  
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